

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

ANTHONY ANTWON MCNAIR, JR.,

Defendant

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CRIMINAL NO. LKG-22-199

JOINT STATUS REPORT

The parties respectfully submit this joint status report, in response to the Court's June 11, 2024 Order, ECF No. 50.

1. Discovery

Government: All discovery in this matter has been produced. To the extent that the Government obtains any additional discovery, it will produce it promptly.

Defense: Newly appointed Defense Counsel is still in the process of reviewing previously produced discovery and will notify the government regarding any additional requests.

2. Trial

Government: The Government is prepared to proceed to trial. The Government respectfully requests to schedule a trial date in coordination with the Court and counsel's availability. Government counsel is currently scheduled to be in trial October 14 – October 30, 2024; January 21, 2024 – February 6, 2024; and unavailable February 24, 2024 – March 7, 2024. The Government anticipates calling approximately nine witnesses. The Government estimates that it

will take three trial days to present its case in chief. The Government estimates that jury selection, opening and closing statements, the charging conference, and jury instructions will take two days. Therefore, the Government estimates that trial will take 5 days, plus any additional time if the Defense presents a case and if the Government then presents a rebuttal.

Defense: Mr. McNair is scheduled to begin trial in August 2024 in DC federal district court in Case No. 23-CR-26 (RCL). Defense Counsel would respectfully request to wait in setting a trial date until a verdict is reached in that case, given the potential that this case may resolve short of trial thereafter.

3. Pretrial motions

Government: The Government does not plan on filing any pretrial motions.

Defense: The Defense is not yet certain whether they will be filing any pretrial motions, given that review of discovery by new Defense Counsel is ongoing.

4. Motions in limine

Government: The Government is still identifying any potential motions in limine. The Government may seek to file motions in limine to admit evidence pursuant to Federal Rules of Evidence 404(b) and 609, and to meet its obligations under *Rehaif v. United States*, 139 S.Ct. 2191 (2019).

Defense: Similarly, as new Defense Counsel is still reviewing discovery, Counsel is still in the process of identifying potential motions in limine.

Respectfully submitted,

Erek L. Barron
United States Attorney

/s/

Patrick D. Kibbe
Joshua A. Rosenthal
Assistant United States Attorneys

/s/

Kathryn D'Adamo Guevara
Counsel for Mr. McNair
Office of the Federal Defender